



CITY OF
ISSAQUAH
DEVELOPMENT SERVICES

Inneswood Estates Final Plat

File No.: FP16-00002

STAFF REPORT

January 26, 2017

Application Information

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Request: Final Plat approval for the subdivision of a 4.33 acre site into 10 single-family residential lots with associated roadways, utilities and stormwater management. One critical area tract will be set aside and permanent open space in a Native Growth Protection Easement.

Location: The project site is located at 10th Place NW, at the east end of NW Pickering Place and NW Inneswood Place.

The site is located in the SE ¼ of the NW ¼ of Section 28, Township 24N, Range 6E, W.M. See Vicinity Map, Exhibit 1.

Existing Land Use: Parcel has been cleared and graded; roads and utilities have been constructed. Model home building permits are under review.

FP16-00002 EXHIBIT 9

Surrounding Land Uses:

North: Undeveloped, including steep slope/tree retention tract. To the northwest is single family residential development and the Pickering Hills neighborhood.

South: Single family residential, Morgan's View.

East: Undeveloped, steep slope/tree retention tract. Future site of Inneswood Multifamily.

West: Single family residential, The Woods/Inneswood neighborhood.

Zoning: Single Family Suburban (SF-S)

Comprehensive Plan: Low Density Residential

1. Project Description

The 4.33 acre site is proposed to be subdivided into 10 single-family residential lots with associated roadways, utilities and stormwater management. One critical area tract will be set aside and permanent open space in a Native Growth Protection Easement.

Access to the development will be from a new road that was constructed for the Pickering Hills neighborhood, NW Pickering Place, and from an existing road through the Woods at Issaquah neighborhood, NW Inneswood Place. The new road for the plat, 10th Place NW will be private, but includes an access easement dedicated to the City of Issaquah.

2. Background

An open record public hearing was held on the Inneswood Estates Preliminary Plat on March 25, 2015. The City's Hearing Examiner approved the preliminary plat with the Findings, Conclusions and Decision issued on April 10, 2015 (Exhibit 5).

Plat infrastructure construction was started in July 2016. The applicant will provide a performance bond (To be submitted at the Public Meeting as Exhibit 8) for the uncompleted plat improvements.

3. Public Notice

The Issaquah Municipal Code (IMC) requires a public meeting for a final plat (modified Level 4 review) and requires notification to parties of record. Notice of the public meeting was sent to parties of record of the Hawk Estates preliminary plat on January 12, 2017, see Exhibit 7.

4. State Environmental Policy Act (SEPA)

The preliminary plat went through SEPA environmental review and the mitigation measures were applied as preliminary plat conditions of approval. See section below on compliance with preliminary plat conditions. No additional SEPA review is required for a Final Plat.

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5. Compliance with Subdivision Ordinance (IMC 18.13)

IMC 18.13, Sections .180 - .340, identifies submittal requirements for final plats, administrative review, dedications, completion of improvements, design and review of improvements, deferred improvements, review and recording of the final plat.

18.13.200 Administrative review of final plats.

A. Upon receipt of a final plat and all required information, it shall be reviewed by the Planning staff. Once a determination of completeness and sufficiency has been determined the application shall be forwarded to all City departments for review. Notice of the application shall be mailed out to all parties-of-record for the preliminary plat. The Planning Director/Manager shall prepare a report, including an appropriate recommendation, and transmit the documents to the Hearing Examiner. IMC 18.13.200 includes criteria for administrative review of final plats:

Finding: The Final Plat application was determined complete and sufficient on July 12, 2016. The application has been reviewed by City department staff. The Final Plat notice of application and public meeting notice were mailed and/or emailed to all preliminary plat parties of record on January 12, 2017 (Exhibit 7), with an updated Site Plan sent out on January 17, 2017.

B. The Hearing Examiner shall review the final plat and all documents including any public comments and approve the final plat if the final plat:

- 1. Except for minor modifications under IMC 18.13.160, Modification of an approved final is consistent with the approved preliminary plat; and*
- 2. Is consistent with the provisions of this title and Chapter 58.17 RCW.*

C. Minor Deviations from Preliminary Plat: Unless a final plat meets the requirements for minor deviations as outlined below, the proposed final plat will be processed as a new preliminary plat application:

- 1. The Hearing Examiner may approve a final plat that is different from the preliminary plat if the change:*
 - a. Does not increase the number of lots; and*
 - b. Does not decrease any lot size by more than ten (10) percent; and*
 - c. Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and*
 - d. Does not significantly alter the subdivision.*
- 2. Final plats with changes that do not meet the criteria for minor deviations must be processed as new preliminary plats. (Ord. 2596 § 3 (Exh. B2), 2010).*

Finding: The final plat meets the requirements or thresholds for minor deviations from the Preliminary Plat and therefore may be processed as Final Plat.

Section 7 below, evaluates the status of all the Preliminary Plat approval conditions, to demonstrate that the Final Plat meets the preliminary plat conditions.

6. Compliance with RCW 58.17

RCW 58.17.140 establishes the time period for an applicant to submit a Preliminary Plat for Final Plat approval: *(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.*

Finding: The subject proposal meets this provision; the preliminary plat was approved by the Hearing Examiner on April 10, 2015. City code expires a preliminary plat seven (7) years after approval (IMC 18.13.170.A).

RCW 58.17.140: *1) When the legislative body of the city, town or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat.*

Finding: The final plat conforms to conditions of the preliminary plat (See Section 7 below), meets the subdivision requirements of RCW 58.17, and other applicable state laws and local ordinances.

RCW 58.17.150: *Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:*

(1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

(2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;

(3) City, town or county engineer.

Finding: The Development Service Department (includes planning and engineering) has reviewed the Final Plat for compliance with the preliminary plat approval conditions (See Section 7).

RCW 58.17.100 provides factors to be considered for approval or disapproval of subdivisions:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

The Hearing Examiner conclusions on approval of the Preliminary Plat (#1) stated:

“With conditions, appropriate provisions will be made for the public health, safety, and general welfare, and appropriate provisions will be made for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary waste, parks and recreation, schools and school grounds

and all other relevant facts.” (Hearing Examiner Preliminary Plat Findings, Conclusions, and Decision, page 12 of 16, Exhibit 5)

7. Compliance with Preliminary Plat Conditions of Approval

The following conditions from the Providence Ridge Preliminary Plat (PP13-00005) apply to this Final Plat:

- 1. All cited geotechnical design requirements, recommendations, and development practices specified in the Icicle Creek geotechnical reports shall be followed.**

Finding: Design requirements applicable to the plat infrastructure were reviewed and approved through the Site Work Permit, SW15-00031. Lot-specific geotechnical reports will be reviewed and approved with each Building Permit.

- 2. Detailed design of structures and retaining walls shall be reviewed for compliance with code criteria in IMC 18.10.580, prior to issuance of building or construction permits.**

Finding: Site civil design utilized and incorporated the geotechnical design requirements, recommendations and development practices as specified in the geotechnical reports. The studies were available and reviewed by City staff during the review of construction permits. A separate Site Work Permit, SW16-00017, was reviewed and approved for the retaining wall that abuts Lots 1 through 4.

- 3. The Applicant shall submit a geotechnical report evaluating specific building plans and grading plans prior to the issuance of construction and building permits. The geotechnical report shall follow City of Issaquah Development Services "Soils Report Requirements." A third-party independent review of the geotechnical report may be required at the Applicant's expense.**

Finding: A foundation soils report by a licensed WA state geotechnical engineer will be required at the time of each single family building permit submittal. A peer review of the submitted soils report by a second engineer may be required on some sites.

- 4. The 15-foot building setback required from the reduced steep slope buffer extends onto the back of several lots (Lots 1, 2, 3, 5, 6, 8, 9). No structures or retaining walls over 4 feet in height are allowed within the building setback. This restriction shall be noted on the Final Plat.**

Finding: The note prohibiting structures in the 15-foot BSBL for those lots has been added as Plat Note No. 5 on Sheet 2 of the Final Plat drawings.

- 5. The retaining wall along the north portion of the site would be between 14 and 19 feet in height. The wall may be visible from Newport Way NW and other areas and result in aesthetic impacts. The height of the wall may be reduced by breaking it up into a 2-tier wall. The Applicant shall work with the Development Service Department to minimize the effective height of the retaining wall.**

Finding: The structural and aesthetic design of the retaining wall was reviewed and

approved through the Site Work Permit, SW16-00017.

- 6. Tract A shall be preserved as a critical area/open space tract, protecting vegetation and precluding development in perpetuity. This shall be noted on the Final Plat.**

Finding: The note preserving Tract A as critical area/open space has been added as Plat Note No. 3 on Sheet 2 of the Final Plat drawings. As conditioned below, additional language will be added to the plat defining Tract A as a Native Growth Protection Easement.

- 7. Approved tree protection measures for trees in Tract A must be in place prior to any construction or demolition activities and installed in conjunction with limits of clearing and grading delineation. Clearing and grading shall be outside the critical root zone of significant trees in Tract A to the extent possible. This may require adjusting clearing/grading limits back from the rear of the lots.**

Finding: Tree protection measures were reviewed, approved and subsequently inspected through the Site Work Permit, SW15-00031.

- 8. After rough clearing and grading, the edge or boundary between Tract A and the residential lots shall be evaluated for hazard trees. If removal of hazard trees is necessary in Tract A, the City may require replacement tree planting along the edge of Tract A.**

Finding: Upon construction of the single family residences, if hazardous trees are identified and removed, replacement trees may be required.

- 9. The Applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.**

Finding: The mitigation fees for General Government Services and Police Services will be paid upon issuance of the Building Permits for each lot.

- 10. The Applicant shall notify future buyers of lots, through a mechanism acceptable to the DSD Director, that the steep slope buffer was reduced and that development has occurred within fifty (50) feet of the steep slope, prior to issuance of Building Permits.**

Finding: The City has reviewed the template for this form, and the required document will be required prior to issuance of the Building Permits for each lot.

- 11. The Applicant shall execute an agreement which indemnifies and holds the City harmless for development within fifty (50) feet of the steep slope, required prior to issuance of Building Permits.**

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Finding: A Covenant Not to Sue will be required to be submitted with each Building Permit application.

- 12. The Applicant shall provide a 15-foot wide landscape buffer along the west edge of Lots 9 and 10 in order to mitigate the development impacts on the abutting properties. The Applicant shall provide a 13-foot wide landscape buffer along the west edge of Tract D serving Lots 2 through 8, instead of an eight-foot parking lane.**

Finding: The required landscape buffers have been provided and are reflected on the Final Plat drawings.

- 13. The Applicant shall apply for a Site Work Permit to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for prior to recording.**

Finding: The Site Work Permit, SW15-00031, has been issued to construct roads, utilities and grading of the lots. Plat improvements that have not yet been completed (deferred improvements) will be included in the performance bond as allowed in IMC 18.13.280. The improvements that are bonded, the values of those improvements, and the approval letter by the Public Works Directors will be provided as Exhibit 8.

- 14. Building setbacks and a 40 percent impervious surface limit shall be met on each of the residential lots and this will be reviewed and verified with building permits.**

Finding: Maximum impervious surface coverage and building setbacks will be reviewed and approved by the Development Services Department with each of the building permits.

- 15. The Applicant shall construct or bond for the trail segment through Parcel A and Tract A prior to recording the preliminary plat. The alignment of the trail shall be determined in the field to avoid impacts to existing trees and vegetation and to best accommodate the topography. Future maintenance of the trail shall be the responsibility of the homeowners' association.**

Finding: As the trail has not yet been constructed, the applicant will need to bond for it, as conditioned below. Easement Provision No. 6, on Sheet 2 of the plat, requires that the Inneswood HOA will be responsible for maintenance of the trail.

- 16. The 20-foot emergency turnaround easement provided between Lots 7 and 8 shall be signed for "No Parking, Fire Lane."**

Finding: The no parking sign was shown in the Site Work Permit plans, SW15-00031, and will be installed as required.

- 17. Street lighting fixtures shall be selected to minimize light and glare impacts on adjacent properties.**

Finding: Plat Note No. 6, on Sheet 2 of the plat, has been added. The proposed street lighting has been reviewed and approved with the Site Work Permit, SW15-00031.

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- 18. Alignment and construction of the stormwater line through Tract A shall avoid removal and impacts to trees to the extent feasible. City staff shall approve the alignment and construction method prior to issuance of construction permits.**

Finding: The storm drainage plan and stormwater line alignment was reviewed and approved through the Site Work Permit, SW15-00031.

- 19. Impact fees are required for each new single-family residence. The following impact fees will be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA).**

Finding: The impact fees for Parks, Schools and Fire will be paid upon issuance of the Building Permits for each lot. As stated in No. 9 above, the General Government and Police Mitigation will be assessed at that time, as well.

- 20. The following critical area regulation conditions shall apply prior to final plat:**
- 1) Permanent survey stakes shall be set to delineate the boundaries between critical area tracts and adjoining lots.**
 - 2) Signs between critical area tracts and adjacent lots shall be installed, explaining the type and value of the critical area.**
 - 3) The final plat shall include language to protect the critical area tract from development in perpetuity.**

Finding: Regarding #1 and #2, the stakes and signage have been noted on the final plat and will be required to be installed prior to finalization of the Site Work Permit. Regarding #3, the note preserving Tract A as critical area/open space has been added as Plat Note No. 3 on Sheet 2 of the Final Plat drawings. As conditioned below, additional language will be added to the plat defining Tract A as a Native Growth Protection Easement.

- 21. The Applicant/Developer shall review the NW Inneswood Place cul-de-sac area to determine if a recorded easement or plat restriction exists, and if removal is necessary and desirable. If so, the Applicant/Developer shall comply with the easement or any condition of the adjacent plat requiring the easement unless all burdened property owners and the Applicant/Developer agree to an alternative.**

Finding: As stated by the applicant in the Preliminary Plat condition letter, Exhibit No. 4, "No easement or plat restriction is apparent."

- 22. The Applicant/Developer shall cooperate with City Parks and Development Services to locate the trail similar to that shown on Exhibit 4.**

Finding: The general location of the trail is indicated on the Final Plat drawings. The final location of the trail will need to be reviewed and approved by the City prior to installation as required in Condition No. 3.

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8. Recommended Conditions

Based upon the application and submitted plans, the Administration recommends that the Hearing Examiner approve the Final Plat application for Providence Ridge, File No. FP15-00004, as presented in the Staff Report dated December 16, 2016; with the following conditions:

1. Tract A shall be labeled as a Native Growth Protection Easement on Sheet 3 and Sheet 4.

2. Plat Note No. 3 shall be revised to include the following:

Restrictions for Native Growth Protection Easements/Critical Area Tracts and Buffers:

The Critical Area Tract conveys to the public a beneficial interest in the land within the sensitive area tract. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract imposes upon all present and future owners and occupiers of the land subject to the tract the obligation, enforceable on behalf of the public by the City of Issaquah, to leave undisturbed all trees and other vegetation within the tract. The vegetation within the tract may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the City of Issaquah or its successor agency, unless otherwise provided by law. Demonstrated health and safety concerns shall be considered by the City when permitting the cutting, pruning or removal of living or dead vegetation.

3. The Applicant shall bond for the trail segment through Parcel A and Tract A prior to recording the final plat. The alignment of the trail shall be determined in the field to avoid impacts to existing trees and vegetation and to best accommodate the topography.
4. The applicant shall provide a 3-year landscape bond, after approval of the landscape installation, consistent with IMC 18.12.160.
5. Minor, non-substantive adjustments may be made to the Final Plat at the discretion of the Director of the Development Services Department, prior to recording of the Final Plat mylars.
6. Prior to the applicant recording of the Final Plat with King County, the necessary signatures of City representatives must be signed on the mylar sheets.
7. The applicant shall record the approved Final Plat with the King County Department of Records and Elections.
8. A copy of the recorded Final Plat packages shall be provided to the Development Services Department within ten (10) days of recording with the King County Department of Records and Elections. The applicant shall also submit an electronic copy of the plats in a format acceptable to the Public Works Department.

Exhibits

1. Vicinity Map

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2. Final Plat Application, dated June 28, 2016.
3. Preliminary Plat Plans, PP13-00005.
4. Preliminary Plat Condition Letter, dated September 27, 2016.
5. Hearing Examiner Preliminary Plat Findings, Conclusions, and Decision, signed April 10, 2015.
6. Final Plat Plan Sheets 1-4, dated September 23, 2016.
7. Public Meeting Notice to Parties of Record.
8. Bond Summary and Public Works Director Letter (To be submitted at Public Meeting).
9. Final Plat Staff Report, dated January 26, 2016.